

Ahilan T. Arulanantham (SBN 237841)
arulanantham@law.ucla.edu
CENTER FOR IMMIGRATION LAW AND
POLICY, UCLA SCHOOL OF LAW
385 Charles E. Young Dr. East
Los Angeles, CA 90095
Telephone: (310) 825-1029

Emilou MacLean (SBN 319071)
emaclean@aclunc.org
Michelle (Minju) Y. Cho (SBN 321939)
mcho@aclunc.org
Amanda Young (SBN 359753)
ayoung@aclunc.org
ACLU FOUNDATION
OF NORTHERN CALIFORNIA
39 Drumm Street
San Francisco, CA 94111-4805
Telephone: (415) 621-2493
Facsimile: (415) 863-7832

Attorneys for Plaintiffs
[Additional Counsel Listed on Next Page]

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

NATIONAL TPS ALLIANCE, DENIS
MOLINA, JHONY SILVA, MARIA ELENA
HERNANDEZ, O.C., SANDHYA LAMA, S.K.,
TEOFILO MARTINEZ,

Plaintiffs,

vs.

KRISTI NOEM, in her official capacity as
Secretary of Homeland Security, UNITED
STATES DEPARTMENT OF HOMELAND
SECURITY, and UNITED STATES OF
AMERICA,

Defendants.

Case No. 3:25-cv-5687

**DECLARATION OF JESSICA KARP
BANSAL IN SUPPORT OF PLAINTIFFS'
MOTION TO POSTPONE EFFECTIVE
DATE OF AGENCY ACTION**

1 Additional Counsel for Plaintiffs

2 Jessica Karp Bansal (SBN 277347)

3 jessica@ndlon.org

4 Lauren Michel Wilfong (*Pro Hac Vice pending*)

5 lwilfong@ndlon.org

6 NATIONAL DAY LABORER

7 ORGANIZING NETWORK

8 1030 S. Arroyo Parkway, Suite 106

9 Pasadena, CA 91105

10 Telephone: (626) 214-5689

11 Eva L. Bitran (SBN 302081)

12 ebitran@aclusocal.org

13 Diana Sanchez (SBN 338871)

14 diana.sanchez@aclusocal.org

15 ACLU FOUNDATION

16 OF SOUTHERN CALIFORNIA

17 1313 West 8th Street

18 Los Angeles, CA 90017

19 Telephone: (213) 977-5236

20 Erik Crew (*Pro Hac Vice pending*)

21 ecrew@haitianbridge.com

22 HAITIAN BRIDGE ALLIANCE

23 4560 Alvarado Canyon Road, Suite 1H

24 San Diego, CA 92120

25 Telephone: (949) 603-7411

DECLARATION OF JESSICA KARP BANSAL

I, Jessica Karp Bansal, declare as follows:

1. I am an attorney at law duly licensed and entitled to practice in the State of California. I am an Attorney at National Day Laborer Organizing Network, counsel of record in this action for Plaintiffs. I have personal knowledge of the following facts and, if called as a witness, I could and would testify competently thereto.

2. I make this declaration in support of Plaintiffs' Motion to Postpone Effective Date of Agency Action.

GOVERNMENT PUBLICATIONS

3. Attached hereto as **Exhibit 1** is a true and correct copy of the Government Accountability Office, Temporary Protected Status: Steps Taken to Inform and Communicate Secretary of Homeland Security's Decisions (Apr. 2020) ("GAO Report").

4. Attached hereto as **Exhibit 2** is a true and correct copy of S. Rep. No. 116-15 (Nov. 7, 2019) at <https://www.congress.gov/116/cprt/SPRT38237/CPRT-116SPRT38237.pdf>.

5. Attached hereto as **Exhibit 3** is a true and correct copy of an email between DHS officials dated March 1, 2018, re: Nepal Assessment, produced in discovery in *Bhattarai v. Nielsen*, Case No. 3:19-cv-00731-EMC (N.D. Cal filed Feb. 10, 2019) with Bates No. DPP_00020292.

6. Attached hereto as **Exhibit 4** is a true and correct copy of a draft Decision Memo from U.S. Citizenship and Immigration Services then-Director L. Francis Cissna regarding Nepal's Designation for Temporary Protected Status, produced in discovery in *Bhattarai v. Nielsen*, Case No. 3:19-cv-00731-EMC (N.D. Cal filed Feb. 10, 2019) with Bates No. DPP_00006647.

7. Attached hereto as **Exhibit 5** is a true and correct copy of an email from DHS Assistant Secretary Tony Pham dated Jan. 27, 2025, re: TPS V Termination: Data & Policy Matters, produced in discovery in *National TPS Alliance v. Noem*, Case No. 3:25-cv-01766 (N.D. Cal. Filed Feb. 19, 2025) (hereinafter "*NTPSA I*") with Bates No. NTPSA2_000677_redacted.

8. Attached hereto as **Exhibit 6** is a true and correct copy of an excerpt of a privilege log entry provided by Defendants in *NTPSA I* on May 19, 2025. and corrected on May 21, 2025.

1 NTPSA_PRIVID_000363 logs an email from Joseph Mazzara to Jame Percival dated January 26
 2 1:42 PM with subject “FW:TPS VZ Termination: Draft Notice” and three attachments: (1) Options
 3 for Venezuela TPS Extension and Redesignation.docx; (2) SUMMARY Options for Venezuela TPS
 4 Extension (9.25.23).docx; and (3) TPS Vacatur - Venezuela 2025-01-26 at 1021 am.docx.

5 9. Attached hereto as **Exhibit 7** is a true and correct copy of an email dated Jan. 28,
 6 2025, 12:42 PM Re Venezuela Country Conditions, produced by Defendants in *NTPSA I* with Bates
 7 No. NTPSA2_000933_redacted.

8 10. Attached hereto as **Exhibit 8** is a true and correct copy of the January 9, 2025, Biden-
 9 era Decision Memo, produced by Defendants in *NTPSA I* with Bates No. NTPSA2_0000074.

10 11. Attached hereto as **Exhibit 9** is a true and correct copy of the January 31, 2025,
 11 Trump-era Decision Memo, produced by Defendants in *NTPSA I* with Bates No. NTPSA2_000004.

12 12. Attached hereto as **Exhibit 10** is a true and correct copy of the Department of State
 13 Travel Advisory regarding Venezuela as of February 1, 2025 labeling the country as “Level 4: Do
 14 Not Travel, [https://travel.state.gov/content/travel/en/international-travel/International-Travel-](https://travel.state.gov/content/travel/en/international-travel/International-Travel-Country-Information-Pages/Venezuela.html)
 15 [Country-Information-Pages/Venezuela.html](https://travel.state.gov/content/travel/en/international-travel/International-Travel-Country-Information-Pages/Venezuela.html) (June 25, 2025).

16 13. Attached as hereto **Exhibit 11** is a true and correct copy of the U.S. Department of
 17 Homeland Security’s Press Release dated February 20, 2025, Secretary Noem Rescinds Previous
 18 Administration’s Extension of Haiti’s Temporary Protected Status,
 19 [https://www.dhs.gov/news/2025/02/20/secretary-noem-rescinds-extension-haitis-temporary-](https://www.dhs.gov/news/2025/02/20/secretary-noem-rescinds-extension-haitis-temporary-protected-status)
 20 [protected-status](https://www.dhs.gov/news/2025/02/20/secretary-noem-rescinds-extension-haitis-temporary-protected-status).

21 14. Attached hereto as **Exhibit 12** is a true and correct copy of the Department of State
 22 Travel Advisory regarding Afghanistan as of May 10, 2025, labeling the country as “Level 4: Do
 23 Not Travel, [https://travel.state.gov/content/travel/en/international-travel/international-Travel-](https://travel.state.gov/content/travel/en/international-travel/international-Travel-Country-Information-Pages/Afghanistan.html)
 24 [Country-Information-Pages/Afghanistan.html](https://travel.state.gov/content/travel/en/international-travel/international-Travel-Country-Information-Pages/Afghanistan.html).

25 15. Attached hereto as **Exhibit 13** is a true and correct copy of U.S. Department of
 26 Homeland Security Release dated June 27, 2025, DHS Terminates Haiti TPS, Encourages Haitians
 27
 28

to Obtain Lawful Status, <https://www.uscis.gov/newsroom/news-releases/dhs-terminates-haiti-tps-encourages-haitians-to-obtain-lawful-status>.

VIDEO TRANSCRIPTS

16. Attached hereto as **Exhibit 14** is a true and correct copy of a certified transcript of the January 15, 2025, confirmation hearing of Secretary Kristi Noem,¹ along with a screen grab below from the video clip. The video is available for viewing at <https://www.c-span.org/program/senate-committee/homeland-security-secretary-nominee-gov-kristi-noem-testifies-at-confirmation-hearing/654484>. At approximately 1:51:50, Secretary Noem states, “[TPS] has been abused and manipulated by the Biden Administration, and that will no longer be allowed . . . and these extensions going forward the way that they are.” Secretary Noem adds, “this extension [of TPS] of over 600,000 Venezuelans [] is alarming when you look at what we’ve seen in different states including Colorado with gangs doing damage and harming the individuals and the people that live there.” The program was intended to be temporary[.]”



17. Attached hereto as **Exhibit 15** is a true and correct copy of a certified transcript of a March 5, 2024, interview of Governor Kristi Noem, Major Garrett on CBS News, along with a screen grab below from the video clip. The video is available for viewing at <https://www.cbsnews.com/video/kristi-noem-calls-on-nikki-haley-to-exit-2024-race/>. At approximately 3:58, Secretary Noem’s own statements confirm her decisions sprung at least in part

¹ Plaintiffs are unable to locate a transcript of Secretary Noem’s confirmation hearing through the Government Printing Office or the website of the Committee on Homeland Security and Governmental Affairs. Accordingly, Plaintiffs submit a certified copy of the transcript.

from racial animus. The Secretary's statements make clear that her animus is not limited to Venezuelan immigrants, but extends to all non-white, non-European TPS holders. Indeed, the Secretary has described irregular immigration across the U.S.-Mexico border as an "invasion happening on purpose...to remake the foundation of this country," echoing the racist "replacement theory."



SOCIAL MEDIA POSTS

18. Attached hereto as **Exhibit 16** is a true and correct copy of a January 29, 2025, social media post by Secretary Kristi Noem on the X social media platform using the handle "@KristiNoem", which is also available at https://x.com/sec_noem/status/1884752724194963594?s=46&t=DFMGDqrcqeJ4X9klKmN2s.

19. Attached hereto as **Exhibit 17** is a true and correct copy of a March 20, 2020 social media post by Secretary Kristi Noem on the X social media platform using the handle "@KristiNoem", which is also available at https://x.com/Sec_Noem/status/1902870288921927870.

20. Attached hereto as **Exhibit 18** is a true and correct copy of a May 19, 2025 social media post by Secretary Kristi Noem on the X social media platform using the handle "@KristiNoem", which is also available at <https://x.com/DHSgov/status/1924575437344186612>.

ARTICLES AND PUBLICATIONS

21. Attached hereto as **Exhibit 19** is a true and correct copy of an article by Chris Cameron, *Vance Vows an End to Programs for Legal Immigrants*, N.Y. TIMES (Oct. 22, 2024), <https://www.nytimes.com/2024/10/22/us/politics/vance-trump-legal-immigrants.html>.

22. Attached hereto as **Exhibit 20** is a true and correct copy of an article by Charlie Savage, et al., *Sweeping Raids, Giant Camps and Mass Deportations: Inside Trump's 2025 Immigration Plans*, N.Y. TIMES (Nov. 11, 2023), <https://www.nytimes.com/2023/11/11/us/politics/trump-2025-immigration-agenda.html>.

23. Attached hereto as **Exhibit 21** is a true and correct copy of an article by Elijah T. Stagers, titled *The Racialization of Crimes Involving Moral Turpitude*, is published in 12 Geo. J.L. & Mod. Critical Race Persp. 17 (2020). The article traces the history undergirding “the modern tropes” deployed against “Latinx immigrants.” Stagers argues that “the executive branch is, and has been historically, manipulating the phrase ‘[crime involving] moral turpitude’ to systematically target, condemn, and exclude racial groups deemed socially undesirable.” The article states that “[t]he executive branch pursues this program by relying on longstanding tropes or stereotypes that certain races have inherently immoral traits.”

24. Attached hereto as **Exhibit 22** is a true and correct copy of an article by Deirdre Pfeiffer and Xiaoqian Hu, titled *Deconstructing Racial Code Words*, is published in 58 LAW & SOC'Y REV. 294, 308 (2024). The article documents the use of racialized code words to justify “oppression of Racial/Ethnic Minorities and immigrants.” Among other things, it identifies “Parasite,” “Contagion,” and “Villain” as examples of racial code words that convey tropes about Latine people, depicting them as exploitative, harmful, and criminal.

25. Attached hereto as **Exhibit 23** is a true and correct copy of an article by Maggie Haberman and Michael Gold, dated April 7, 2024, titled *Trump, at Fund-Raiser, Says He Wants Immigrants from ‘Nice’ Countries*, N.Y. TIMES, is available at <https://www.nytimes.com/2024/04/07/us/politics/trump-immigrants-nice-countries.html>. The article details how President Trump, during a 2024 fundraising event, defended and reiterated his remarks

1 distinguishing between what he called “nice countries, you know like Denmark, Switzerland,” and
2 “Norway,” and “unbelievable places and countries, countries that are a disaster.” According to the
3 article, President Trump described migrants entering the United States through the Southern border
4 as, “coming in from prisons and jails. They’re coming in from just unbelievable places and
5 countries, countries that are a disaster.”

6 26. Attached hereto as **Exhibit 24** is a true and correct copy of the U.S. Department of
7 Homeland Security’s Release, dated May 12, 2025, DHS Terminating Temporary Protected Status
8 for Afghanistan, ([https://www.uscis.gov/newsroom/news-releases/dhs-terminating-temporary-](https://www.uscis.gov/newsroom/news-releases/dhs-terminating-temporary-protected-status-for-afghanistan)
9 [protected-status-for-afghanistan](https://www.uscis.gov/newsroom/news-releases/dhs-terminating-temporary-protected-status-for-afghanistan)).

10 27. Attached hereto as **Exhibit 25** is a true and correct copy of an article by Marcela
11 Valdes, titled *Their Lawsuit Prevented 400,000 Deportations. Now It’s Biden’s Call*, N.Y. Times,
12 April 7, 2021 at <https://www.nytimes.com/2021/04/07/magazine/immigration-el-salvador.html>.

13 28. Attached hereto as **Exhibit 26** is a true and correct copy of an article by the National
14 Immigration Forum, titled *The Great Replacement Theory, Explained*,
15 <https://immigrationforum.org/wp-content/uploads/2021/12/Replacement-Theory-Explainer-1122>.

16 29. Attached hereto as **Exhibit 27** is a true and correct copy of the final draft of the
17 Decision Memo, suggesting another basis for termination, NTPSA2_000857.

18 30. Attached hereto as **Exhibit 28** is a true and correct copy of an article by Bill Frelick
19 and Barbara Kohen, titled *Filling the Gap: Temporary Protected Status*, is published in J. Refugee
20 Stud. 339 (1995).

21 31. Attached hereto as **Exhibit 29** is a true and correct copy of the U.S. Department of
22 Homeland Security’s Decision, *Termination of the Designation of Honduras for Temporary*
23 *Protected Status*. The decision was posted for public inspection on July 7, 2025 at [https://public-](https://public-inspection.federalregister.gov/2025-12621.pdf)
24 [inspection.federalregister.gov/2025-12621.pdf](https://public-inspection.federalregister.gov/2025-12621.pdf) and is scheduled to be published in the Federal
25 Register on July 8, 2025.

26 32. Attached hereto as **Exhibit 30** is a true and correct copy of the U.S. Department of
27 Homeland Security’s Decision, *Termination of the Designation of Nicaragua for Temporary*
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1 *Protected Status*. The decision was posted for public inspection on July 7, 2025 at [https://public-](https://public-inspection.federalregister.gov/2025-12688.pdf)
2 [inspection.federalregister.gov/2025-12688.pdf](https://public-inspection.federalregister.gov/2025-12688.pdf) and is scheduled to be published in the Federal
3 Register on July 8, 2025.

4 33. Attached hereto as **Exhibit 31** is a true and correct copy of a U.S. Department of
5 Homeland Security Press Release, dated July 7, 2025, *With improved Conditions, DHS Ends TPS for*
6 *Honduras*, available at [https://www.dhs.gov/news/2025/07/07improved-conditions-dhs-ends-tps-](https://www.dhs.gov/news/2025/07/07improved-conditions-dhs-ends-tps-honduras)
7 [honduras](https://www.dhs.gov/news/2025/07/07improved-conditions-dhs-ends-tps-honduras).

8 I declare under penalty of perjury under the laws of the United States of America that the
9 foregoing is true and correct.

10 Executed this 8th day of July 2025, at Claremont, CA.

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12 /s/ Jessica Karp Bansal
13 Jessica Karp Bansal
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